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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCESIn re Application of:  
Nikoonahad et al.§ Group Art Unit: 2877  
§ Examiner: Pham, H.  
§  
§ Atty. Dkt. No.: 5589-02305  
§

Serial No. 09/957,468

Filed: September 20, 2001

For: METHODS AND SYSTEMS  
FOR DETERMINING A  
CRITICAL DIMENSION, A  
PRESENCE OF DEFECTS, AND  
A THIN FILM CHARACTERISTIC  
OF A SPECIMENI hereby certify that this correspondence is being transmitted via  
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P.O. Box 1450, Alexandria, VA 22313-1450, on the date  
indicated below:12/01/2004  
Date*Pamela Gerik*  
Pamela GerikAPPEAL BRIEFMail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Further to the Notice of Appeal faxed October 1, 2004 and received in the Patent Office  
on October 1, 2004, Appellant presents this Appeal Brief. The Notice of Appeal was filed  
following mailing of a Final Office Action on August 3, 2004. Appellant hereby appeals to the  
Board of Patent Appeals and Interferences from a final rejection of claims 1413-1439, 1441-  
1445, 1447-1500, 1583, 1688, 1709, and 1751 in the Final Office Action mailed August 3, 2004,  
and respectfully requests that this appeal be considered by the Board.

The cited art does not teach or suggest a processor coupled to a plurality of measurement devices, each of which is coupled to at least one of a plurality of process tools.

Moore teaches a measurement apparatus coupled to a cluster tool. However, Moore does not teach or suggest a plurality of measurement devices, each of which is coupled to at least one of a plurality of process tools. In addition, Maris, Tanimoto, and Kuriyama do not teach or suggest a measurement device that is coupled to a process tool. As such, Maris, Tanimoto, and Kuriyama cannot be combined with Moore to overcome deficiencies therein. Furthermore, there is no teaching, suggestion or motivation to modify the prior art systems to include the claimed processor or the claimed plurality of measurement devices, or to combine the cited art with any other reference to teach or suggest these limitations. Claim 1496 is therefore patentable over the cited art, and rejection of claim 1496 under 35 U.S.C. § 103 is asserted to be erroneous.

#### **IX. CONCLUSION**

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1413-1439, 1441-1445, 1447-1500, 1583, 1688, 1709, and 1751 was erroneous, and reversal of the Examiner's decision is respectfully requested.

The Commissioner is hereby authorized to charge the required fee(s) to Daffar McDaniel LLP Deposit Account No. 50-3268/5589-02305.

Respectfully submitted,



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Date: December 1, 2004